IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7789 OF 2004

M/s Saibaba Builders and Developers, Petitioner

Vs

1. Sou Shanta Shankar Tondare,

Chief Promoter ...

2. Deputy Registrar,

Co-op. Societies,Pune City No.4.

3. The Divisional Jt Registrar,

Co-operative Societies, Pune Dn. Respondents

Mr P.S.Dani, for the petitioner.

Dr.V.K.Choudhari, for respondent no.1.

CORAM : D.B.BHOSALE,J.

DATE : 23rd September, 2004.

PC:

1. This petition impugns the judgment and order dated 1.9.2004 rendered by the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune, in Appeal No.26 of 2004 arising out of the order dated 16.4.2004 passed by the Deputy Registrar, Co-operative Societies in Application No.11 of 2003 filed by respondent no.1 for name reservation and opening of bank account. While allowing the appeal by the impugned order dated 1.9.2004, the Joint Registrar made certain observations

in the order which, according to Mr Dani, learned counsel for the petitioner, might come in the way of the petitioner while the application of respondent no.1 seeking registration of the society is being considered and decided by the concerned authority. According to Mr Dani, the Divisional Joint Registrar ought not to have made such observations in the impugned judgment while considering the issue of name reservation and opening of bank account. Mr Choudhari, learned counsel for the respondent no.1, fairly stated that the Deputy Registrar, who will be deciding the application for registration, be directed to dispose of the said application ignoring the findings recorded by the Divisional Joint Registrar in the impugned order and decide the same on merits in accordance with law.

2. After having considered the overall facts and circumstances of the case and the findings recorded by the Divisional Joint Registrar in the impugned order in particular, I am satisfied that the following order shall meet the ends of justice.

(i) The Deputy Registrar, Co-operative Societies, Pune Division, Pune, shall decide the application filed by respondent no.1 seeking registration of their society as expeditiously as possible and preferably within eight

weeks from today and, while doing so, shall ignore the findings recorded by the Divisional Joint Registrar in the impugned order dated 1.9.2004 and decide the same on its own merits in accordance with law and after giving an opportunity of being heard to the parties concerned.

(ii) All contentions of the parties are kept open.

(iii) The petition is disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)